

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRIAN PALAN,

Plaintiff,

v.

CIVIL ACTION

INOVIO PHARMACEUTICALS, INC.;
PETER KIES; J. JOSEPH KIM;
THOMAS KIM; AVTAR DHILLION; and
JEFFREY RICHARDSON,
Defendants.

NO. 14-5054

ORDER

AND NOW, this 20th day of February, 2015, upon consideration of Defendants Inovio Pharmaceuticals, Inc.; Peter Kies; J. Joseph Kim; Thomas Kim; Avtar Dhillion; and Jeffrey Richardson's Motion to Dismiss for Failure to State a Claim [ECF No. 9] and the Plaintiff's Response in Opposition thereto [ECF No. 11], and for the reasons discussed in the Court's Memorandum Opinion of February 20, 2015 [ECF No. 21], **IT IS ORDERED** that:

- (1) the Motion to Dismiss the Complaint is **GRANTED** as to Defendants J. Joseph Kim and Avtar Dhillion; all claims against these Defendants are **DISMISSED**;
- (2) the Motion to Dismiss Count I of the Complaint is **GRANTED** as to Defendants Inovio Pharmaceuticals, Inc.; Peter Kies; Thomas Kim; and Jeffrey Richardson; Count I of the Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**;
- (3) the Motion to Dismiss Count II of the Complaint is **DENIED** as to Defendants Inovio Pharmaceuticals, Inc.; Peter Kies; Thomas Kim; and Jeffrey Richardson;
- (4) the Plaintiff shall be granted leave to file an amended complaint consistent with the Court's memorandum opinion; such amended complaint shall be filed by **March 6, 2015**; and
- (5) the remaining Defendants shall **ANSWER** the Amended Complaint within the time provided by the Federal Rules of Civil Procedure.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

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